

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARCOS CALCANO, on behalf of himself  
and all others similarly situated,

Plaintiff,

-against-

GROWGENERATION CORP.,

Defendant.

Case No. 1:23-cv-11312 (JLR)

**ORDER**


JENNIFER L. ROCHON, United States District Judge:

IT IS HEREBY ORDERED that, within thirty (30) days of service of the summons and complaint – or, alternatively, within thirty (30) days of waiver of service – the parties must meet and confer for at least one hour in a good-faith attempt to settle this action. In their discussions, the parties should consider whether plaintiff has satisfied the threshold requirement of standing. *See, e.g., Calcano v. Swarovski N. Am. Ltd.*, 36 F.4th 68, 77-78 (2d Cir. 2022); *Harty v. W. Point Realty, Inc.*, 28 F.4th 435, 443-44 (2d Cir. 2022). To the extent the parties are unable to settle the case themselves, they must also discuss whether further settlement discussions through the district’s court-annexed mediation program or before a magistrate judge would be productive at this time.

IT IS FURTHER ORDERED that within fifteen (15) additional days (that is, within forty-five (45) days of service of the summons and complaint, or, alternatively, within forty-five (45) days of waiver of service), the parties must submit a joint letter informing the Court whether the parties have settled. If the parties do not reach a settlement, the parties shall in the joint letter request that the Court (1) refer the case to mediation or a magistrate judge for a settlement conference (and indicate a preference between the two options), or (2) proceed with an initial status conference.

Dated: January 3, 2024  
New York, New York

SO ORDERED.

  
JENNIFER L. ROCHON  
United States District Judge